

**REMARKS**

Claims 28-54 are pending. Claims 34, 35 and 47 are amended. A marked-up version showing the changes made by the present amendment is attached hereto as "**Version with markings to show changes made.**"

Claim 47 was objected to due to an informality noted in the Office Action. The present amendment corrects the informality as well as an informality noted in the specification.

The Examiner has requested a copy of the Preliminary Amendment with sufficient margins on the top page. Accordingly a copy of the Preliminary Amendment is attached hereto.

The Examiner also indicated that page 24 of the specification was missing. A copy of page 24 of the specification is submitted herewith.

Claim 46 was rejected under 35 USC § 112, first paragraph. Favorable reconsideration of this rejection is earnestly solicited.

The Examiner asserts that the specification does not provide support for a strained quantum well, i.e., the Examiner asserts that the specification teaches that the active layer being a quantum well and the active layer being a strained layer are separate embodiments. However, the specification does not require the distinction made by the Examiner. Furthermore, original claims 13 and 14 clearly teach this combination of features. As such, applicants request reconsideration of the rejection.

Claims 34, 35, 39 and 41 were rejected under 35 USC §112, second paragraph, as being indefinite. The claims have been amended in response to the informalities noted by the Examiner. However, in regard to claim 39, it is respectfully submitted that amendment is not required. For

U.S. Patent Application Serial No. 09/785,428

example, Fig. 1 shows a clad layer 5 inside the V-groove and a clad layer 3 outside the V-groove.

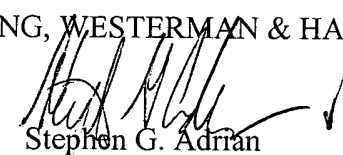
Claims 28-54 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,265,733. A Terminal Disclaimer is submitted herewith.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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SGA/arf

Atty. Docket No. **950971B**  
Suite 1000, 1725 K Street, N.W.  
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**23850**

PATENT TRADEMARK OFFICE

Attachments: Version with markings to show changes made  
Submission of Terminal Disclaimer w/ Terminal Disclaimer  
Petition for Extension of Time  
Page 24 of Specification  
Copy of Preliminary Amendment

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**IN THE SPECIFICATION:**

**Please amend the specification as follows:**

**Paragraph beginning at page 10, line 5 has been amended as follows:**

Thereafter, using the etching preventive film as mask and HCl as etching gas, in-site gas etching of the semiconductor substrate or the epitaxial layer is performed, and a V-groove with sharp edge is formed. Using HCl as the etching gas, the side of the V-groove is [turend] turned to a (111) B face 6. Besides HCl, a gas having at least one type of halogen element such as hydrogen bromide, arsenic trichloride, phosphorus trichloride, chlorine, etc. may be used as the etching gas, and it is possible to obtain a V-groove, which has the side as (111) B face as in the case where HCl is used.

**IN THE CLAIMS:**

**Claims 34, 35 and 47 have been amended as follows:**

34. (Amended) A light emitting semiconductor device according to claim 33, wherein [a second] an optical guiding layer having refractive index lower than that of said active layer and higher than that of [said third] a cladding layer inside the V-groove is provided between said active layer and said [third] cladding layer inside the V-groove.

35. (Amended) A light emitting semiconductor device according to claims 33 or 34, wherein said first cladding layer and said first optical guiding layer are of the same first conductivity type, said [third] cladding layer inside the V-groove and said [second] optical guiding layer are of the same second conductivity type, and said [second] cladding layer outside the V-groove is of second conductivity type or has high resistance.

47. (Amended) A semiconductor device according to claim 43, wherein an energy gap of the [claddinglayer] cladding layer outside said V-groove is greater than an energy gap of the cladding layer inside said V-groove.

REMARKS

Claims 28-54 are pending in this application. Prompt and favorable action on the merits is earnestly solicited.

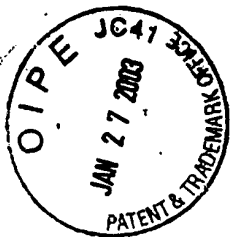
In the event that any fees are due in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

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**COPY**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SHIMOYAMA et al.

PATENT APPLICATION

Serial Number: **(Divisional of Appln. Serial No.**  
**08/970,145, filed November 13, 1997**

Prior Art Unit: 2814

Filed: Herewith

Prior Examiner: **D. Wille**

For: **SEMICONDUCTOR DEVICE, SEMICONDUCTOR DEVICE AND METHOD  
FOR MANUFACTURING THE SAME**

PRELIMINARY AMENDMENT

Director of Patents and Trademarks  
Washington, D.C. 20231

Date: February 20, 2001

Sir:

Prior to examination, please amend the above-identified application as follows:

IN THE CLAIMS:

Please cancel claims 1-27 without prejudice or disclaimer and add new claims 28-54 as follows:

--28. A light emitting semiconductor device comprising a semiconductor substrate, a first conductivity type epitaxial layer and a second conductivity type epitaxial layer or a high resistance epitaxial layer stacked one upon another, a V-groove having a V-shaped cross-section on the semiconductor, wherein an inclined surface of said V-groove is formed from the first conductivity type epitaxial layer to the second conductivity type epitaxial layer or the high resistance epitaxial layer, a bottom of the V-groove lies in said first conductivity type epitaxial layer, a side wall of the V-groove is in contact with the second conductivity type epitaxial layer or the high resistance

epitaxial layer, wherein the first conductivity type epitaxial layer, the second conductivity type epitaxial layer or the high resistance layer are present outside the V-groove and an active layer formed inside the bottom of said V-groove on the first conductivity type epitaxial layer.

29. A light emitting semiconductor device according to claim 28, wherein said active layer is sandwiched between a cladding layer inside the V-groove and the first conductive type epitaxial layer outside the V-groove, both layers being in contact with each other on a side of said V-groove.

30. A light emitting semiconductor device according to claim 28 or 29, wherein said active layer has a quantum well structure.

31. A light emitting semiconductor device according to claim 29, wherein an energy gap on the first conductive type epitaxial layer outside the V-groove is greater than an energy gap on the cladding layer inside the V-groove.

32. A light emitting semiconductor device according to claim 28, wherein an inclined surface of said V-groove is a  $\{111\}$  B face.

33. A light emitting semiconductor device according to claim 28, wherein the first conductivity type epitaxial layer is a first conductivity type cladding layer and the second conductivity type or high resistance layer is outside the V-groove.

34. A light emitting semiconductor device according to claim 33, wherein a second optical guiding layer having refractive index lower than that of said active layer and higher than that of said third cladding layer is provided between said active layer and said third cladding layer.

35. A light emitting semiconductor device according to claims 33 or 34, wherein said first cladding layer and said first optical guiding layer are of the same first conductivity type, said third cladding layer and said second optical guiding layer are of the same second conductivity type, and said second cladding layer is of second conductivity type or has high resistance.

36. A light emitting semiconductor device according to claim 33, wherein said V-groove is formed by vapor phase etching.

37. A light emitting semiconductor device according to claim 28, wherein said light emitting semiconductor device is a laser diode.

38. A semiconductor device comprising a V-groove having a V-shaped cross-section on a semiconductor substrate or on an epitaxial growth layer grown on a semiconductor substrate, and a strained active layer is provided only at the bottom of said V-groove.

39. A semiconductor device according to claim 38, wherein said active layer is sandwiched between a cladding layer inside the V-groove and a cladding layer outside the V-groove, both cladding layers being in contact with each other on a side of said V-groove.



40. A semiconductor device according to claim 38 or 39, wherein said active layer has a quantum well structure.

41. A semiconductor device according to claim 39, wherein an energy gap on the cladding layer outside the V-groove is greater than an energy gap on the cladding layer inside the V-groove.

42. A semiconductor device according to claim 38, wherein an inclined surface of said V-groove is a  $\{111\}$  B face.

43. A semiconductor device according to claim 39, wherein an optical guiding layer having a refractive index lower than that of said active layer and higher than that of the cladding layer inside the V-groove is formed between said active layer and said cladding layer inside said V-groove.

44. A semiconductor device according to claim 43, wherein conductivity type of the cladding layer inside said V-groove is different from that of the cladding layer outside said V-groove.

45. A semiconductor device according to claims 43 or 44, wherein conductivity type of the cladding layer inside said V-groove is identical with that of said optical guiding layer.

46. A semiconductor device according to claims 43 or 44, wherein said active layer has a quantum well structure.
47. A semiconductor device according to claim 43, wherein an energy gap of the cladding layer outside said V-groove is greater than an energy gap of the cladding layer inside said V-groove.
48. A semiconductor device according to claim 43, wherein an inclined surface of said V-groove is a {111} B face.
49. A semiconductor device according to claim 43, wherein said V-groove is formed by vapor phase etching.
50. A light emitting semiconductor device according to claim 33, wherein said active layer is strained.
51. A light emitting semiconductor device according to claim 28, further comprising a protective layer for the V-groove on the upper surface of the device.
52. A semiconductor device according to claim 38, further comprising a protective layer for the V-groove on the upper surface of the device.

53. A light emitting semiconductor device comprising a semiconductor substrate, a first conductivity type epitaxial and a second conductivity type epitaxial layer or a high resistance epitaxial layer stacked one upon another, a V-groove having a V-shaped cross-section on the semiconductor substrate, wherein an inclined surface of said V-groove is formed from the first conductivity type epitaxial layer to the second conductivity type epitaxial layer or the high resistance epitaxial layer, a bottom of the V-groove lies in said first conductivity type epitaxial layer, a side wall of the V-groove is in contact with the second conductivity type epitaxial layer or the high resistance epitaxial layer, wherein the first conductivity type epitaxial layer, the second conductivity type epitaxial layer or the high resistance epitaxial layer are present outside the V-groove, and a strained active layer is formed inside the bottom of said V-groove on the first conductivity type epitaxial layer.

54. A semiconductor device according to claim 38, wherein said semiconductor device is a laser diode.--